

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

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**ASHLEY J MILLER**  
Claimant

**SASS ILLY ENDEAVORS INC**  
Employer

**APPEAL 21A-UI-03861-JC-T**  
**ADMINISTRATIVE LAW JUDGE  
DECISION**

**OC: 11/01/20**  
**Claimant: Respondent (2)**

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Iowa Code § 96.4(3) – Ability to and Availability for Work

**STATEMENT OF THE CASE:**

The employer/appellant, Sass.Illy Endeavors Inc., filed an appeal from the January 20, 2021 (reference 02) Iowa Workforce Development (“IWD”) unemployment insurance decision that allowed benefits. The parties were properly notified about the hearing. A telephone hearing was held on March 18, 2021. The claimant, Ashley J. Miller, participated. The employer participated through Rhonda Martinez, and Shasta Gamble also attended.

After the hearing, the administrative law judge determined additional testimony was needed and reopened the record on her own motion, to obtain additional information regarding Iowa Code Iowa Code § 96.4(3). After proper notice, a telephone hearing was held on April 15, 2021. The claimant participated. The employer participated through Rhonda Martinez. The administrative incorporated the prior hearing recording and took evidence on the issue of whether claimant was laid off the week of November 1, 2020 through November 7, 2020.

The administrative law judge took official notice of the administrative records. Based on the evidence, the arguments presented, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

**ISSUE:**

Was the claimant able to work and available for work effective November 1, 2020?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant is employed full-time as a caregiver. Claimant established a claim for unemployment insurance benefits with an effective date of November 1, 2020 and made one weekly claim for the week ending November 7, 2020.

Claimant was absent from work for the week due to her childcare provider closing because of a positive test for COVID-19. Consequently, she had to stay home with her children until their period of self-quarantine ended. Work was available for claimant that week, had she not stayed home. Employer did not lay off claimant.

## **REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant is ineligible for regular state unemployment insurance benefits for the week ending November 7, 2020.

For an individual to be eligible to receive benefits, she must be able to work, available for work, and actively seeking work as required by the unemployment insurance law. Iowa Code § 96.4(3). The burden is on the claimant to establish that she is able and available for work within the meaning of the statute. Iowa Code § 96.6(2); Iowa Admin. Code r. 871-24.22.

Iowa Admin. Code r. 871—24.23 Availability disqualifications. The following are reasons for a claimant being disqualified for being unavailable for work.

- (8) Where availability for work is unduly limited because of not having made adequate arrangements for child care.

The administrative law judge recognizes the claimant has filed her current claim due to hardship related to the COVID-19 pandemic. Here, the employer has work available for the claimant. However, the claimant informed the employer she was unable to work due to her childcare closing when someone tested positive for COVID-19. Claimant was not able to perform work for the week ending November 7, 2020. Therefore, the claimant is not eligible for regular, state-funded unemployment insurance benefits.

Even though the claimant is not eligible for regular unemployment insurance benefits under state law, he/she may be eligible for federally funded unemployment insurance benefits under the Coronavirus Aid, Relief, and Economic Security Act (“Cares Act”), Public Law 116-136. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance (PUA). The claimant must apply for PUA, as noted in the instructions provided in the “Note to Claimant” below.

**DECISION:**

The January 20, 2021 (reference 02) initial decision is reversed. The claimant is not able and available for work effective November 1, 2021. Regular unemployment insurance benefits are denied.



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Jennifer L. Beckman  
Administrative Law Judge  
Unemployment Insurance Appeals Bureau  
Iowa Workforce Development  
1000 East Grand Avenue  
Des Moines, Iowa 50319-0209  
Fax 515-478-3528

April 20, 2021  
Decision Dated and Mailed

jlb/kmj

**NOTE TO CLAIMANT:**

- This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision.
- If you do not qualify for regular unemployment insurance benefits due to disqualifying separations and are currently unemployed for reasons related to COVID-19, you may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** More information about how to apply for PUA is available online at:  
[www.iowaworkforcedevelopment.gov/pua-information](http://www.iowaworkforcedevelopment.gov/pua-information)